
OLR Bill Analysis

HB 5516

AN ACT CONCERNING THE REMOVAL OF INDIVIDUALS FROM THE STATE CHILD ABUSE AND NEGLECT REGISTRY.

SUMMARY:

This bill establishes a good cause procedure that people can use to have their names removed from the Department of Children and Families (DCF) child abuse and neglect registry. By law, the registry lists people the DCF commissioner found to be (1) responsible for committing child abuse or neglect and (2) a risk to children's health, safety, or well-being. Currently, there is no process for someone to have his or her name removed from the registry. Companies that perform background checks, licensing agencies, and potential employers have access to information in the registry.

Under the bill, an applicant may file to have his or her name removed no earlier than five years from the date of the final decision that led to the registration.

When the commissioner approves an application, which is on a form she prescribes, she must accurately reflect in the registry the information concerning her "finding" (presumably this means she has decided to remove the applicant's name from it). If she denies the request, the applicant (1) is entitled to both an administrative hearing and subsequent appeal to Superior Court and (2) may re-apply no earlier than two years after the hearing decision if he or she can show good cause since then.

EFFECTIVE DATE: July 1, 2013

GOOD CAUSE

Under the bill, the DCF commissioner may approve an application to have a name removed from the registry if the applicant can show good cause. At a minimum, this must include:

1. the applicant's rehabilitation, as shown by his or her (a) personal conduct; (b) lack of a criminal conviction related to a family member or a child during the previous five years; and (c) possessing letters of support from at least two people who know of the applicant's successful rehabilitation, such as a physician or mental health professional;
2. the applicant's accepting personal responsibility for any acts or omissions that caused his or her name to be placed on the registry; and
3. a bona fide need for removing the name, such as finding or keeping a job, licensure, or engaging in activities involving direct contact with children.

BACKGROUND

Child Abuse Registry

DCF maintains a child abuse and neglect registry with the names of individuals against whom DCF has investigated and subsequently substantiated child abuse or neglect. With certain exceptions, DCF will not place a name on the registry until the individual exhausts or waives all appeal opportunities. This includes both an internal department review, an administrative review as permitted by the Uniform Administrative Procedure Act, and court challenges.

Access to the registry is limited to duly authorized DCF employees for purposes of obtaining information for child abuse and neglect investigations, background checks, and other uses the law permits. In most cases, the subject of the check must give consent before the information can be released.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 30 Nay 11 (04/12/2013)